

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

ALCOA FLEXIBLE PACKAGING, LLC,
A WHOLLY OWNED SUBSIDIARY OF
ALCOA, INC., PENNSYLVANIA CORPORATION¹

Employer

and

Case 5-RC-16023

INTERNATIONAL ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS, AFL-CIO

Petitioner

and

BELLWOOD PRINTING PRESSMEN, ASSISTANTS AND
SPECIALTIES UNION NO. 670 OF THE GRAPHIC
COMMUNICATIONS CONFERENCE OF THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Intervenor

DECISION AND DIRECTION OF ELECTION

On August 14, 2006, the Region conducted a representation hearing in this case. Upon the commencement of the hearing, the parties reached stipulations covering all litigable issues.

The parties waived the filing of briefs.

The Employer is a Pennsylvania corporation which is engaged in the business of manufacturing flexible packaging materials at its Bellwood, otherwise known as Richmond, Virginia facility. The parties stipulated that the following employees constitute an appropriate unit for purposes of collective bargaining:

¹ The name of the Employer appears as amended at the hearing.

All full-time and regular part-time production and maintenance employees employed at the Employer's facility at 2001 Reymet Road, Richmond, Virginia, and in addition all employees who are assigned to any other production and/or maintenance classifications which may be established, but excluding all office clerical employees, professional employees, managerial employees, laboratory chemists, laboratory analysts, full-time watchmen, guards, bona fide machinists assigned to the machine shop performing the work of manufacturing, erecting, preparing, dismantling of all machines, and supervisors as defined in the Act.

There are approximately 300 employees in the stipulated unit. The Intervenor has been the collective-bargaining representative of the unit employees since it was certified by the Board, in Case 5-RC-2420, on March 21, 1958. Since that time the Intervenor and Employer have entered into a series of collective-bargaining agreements covering the unit employees.

CONCLUSIONS AND FINDINGS

Based upon the entire record in this matter and in accord with the discussion above, I find and conclude as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.
2. The Employer is an employer as defined in Section 2(2) of the Act and is engaged in commerce within the meaning of Sections 2(6) and (7) of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.
3. The Petitioner, International Association of Machinists and Aerospace Workers, AFL-CIO, is a labor organization as defined in Section 2(5) of the Act, and claims to represent certain employees of the Employer.
4. The Intervenor, Bellwood Printing Pressmen, Assistants and Specialties Union No. 670 of the Graphic Communications Conference of the International Brotherhood of Teamsters, is a labor organization as defined in Section 2(5) of the Act, and claims to represent certain employees of the Employer.
5. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Sections 2(6) and (7) of the Act.
6. The parties stipulated that the Employer, Alcoa Flexible Packaging, LLC, a wholly owned subsidiary of Alcoa, Inc., Pennsylvania Corporation is engaged in the business of manufacturing flexible packaging materials at its Bellwood, otherwise known as Richmond,

Virginia, facility. During the past 12 months, a representative period, the Employer purchased and received at its Richmond, Virginia facility products and goods valued in excess of \$50,000 directly from points located outside the State of Virginia.

7. I find the following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time production and maintenance employees employed at the Employer's facility in Richmond, Virginia, and in addition all employees who are assigned to any other production and/or maintenance classifications which may be established, but excluding all office clerical employees, professional employees, managerial employees, laboratory chemists, laboratory analysts, full-time watchmen, guards, bona fide machinists assigned to the machine shop performing the work of manufacturing, erecting, preparing, dismantling of all machines, and supervisors as defined in the Act.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by **International Association of Machinists and Aerospace Workers, AFL-CIO** or by the **Bellwood Printing Pressmen, Assistants and Specialties Union No. 670 of the Graphic Communications Conference of the International Brotherhood of Teamsters** or by **Neither**. The date, time, and place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

A. Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their

replacements are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

B. Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). Upon receipt of the list, I will make it available to all parties to the election.

To be timely filed, the list must be received in the Regional Office, National Labor Relations Board, Region 5, 103 South Gay Street, 8th Floor, Baltimore, MD 21202, on or before **August 25, 2006**. No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission at (410) 962-2198. Since the list will be made available to all parties to the election, please furnish a total of

two copies, unless the list is submitted by facsimile, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

C. Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for a minimum of 3 working days prior to the date of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

D. Notice of Electronic Filing

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, D.C. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web site: www.nlrb.gov

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m., E.D.T. on **September 1, 2006**. The request may not be filed by facsimile.

(SEAL)

/s/ Paula S. Sawyer

Dated: August 18, 2006

Paula S. Sawyer, Acting Regional Director
National Labor Relations Board, Region 5
103 S. Gay Street, 8th Floor
Baltimore, MD 21202